IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 23199 of 2003

Between:

M.Moksham, s/o. M.shantappa, Srisri Nagar,

H.No.1-1-504/1/1, Suryapet Post, Nalgonda Dist.

..... PETITIONER

AND

1. A.P.State Road Transport Corporation, Rep: By its Manager Director,

Mushirabad, Hyderabad.

2. The Executive Director (C&N), APSRTC, Mahatma Gandhi Bus Station,

Imlibun, Hyderabad - 500 012.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No.PA/114 (21)/2003 ED (C&N), dt:27-10-2003 as illegal, arbitrary, in violation of principles of natural justice and consequently set aside punishment with further direction to respondents to reinstate petitioner into service with consequential benefits and pass such other order or orders

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents : MR.V.T.M.PRASAD, SC FOR APSRTC

The Court made the following :

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ORAL ORDER:

Heard Mr. G. Vidyasagar, learned counsel for the petitioner and Mr. V.T.M. Prasad, learned Standing Counsel appearing for the respondents.

The petitioner herein was working as Depot Manager. By this writ petition, he seeks to assail the impugned orders dated 27.10.2003, whereunder he was removed from service. The only short question which is urged on behalf of the petitioner is that even though the enquiry officer has given finding in favour of the petitioner, however, the disciplinary authority had arrived at a different conclusion holding the charges against the petitioner, without giving any notice or opportunity to the petitioner. The question is no longer *Res Integra* in view of the judgment reported in SBI V. K.P.

NARAYANAN KUTTY ([1]), wherein it was held that such a procedure is totally illegal.

Following the same, the writ petition is allowed. The impugned order dated 27.10.2003 is set aside and the matter is remitted back to the disciplinary authority for passing fresh orders on merits and in accordance with law after giving notice and opportunity to the petitioner. No order as to costs.

28.12.2004

CVM

To

1. A.P.State Road Transport Corporation, Rep: By its Manager Director, Mushirabad, Hyderabad.
2. The Executive Director (C&N), APSRTC, Mahatma Gandhi Bus Station, Imlibun, Hyderabad - 500 012.

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THE HON'BLE MR JUSTICE B.PRAKASH RAO

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